

Cancelled

wherein said fiber has a percent steam heatsetting shrinkage value which is about 70% or less of a percent steam heatsetting shrinkage value of an otherwise identical fiber consisting of only said first polyamide component; and

said carpet in an uncolored state having a red drink staining depth of less than 15 CIE ΔE units and a coffee staining depth of less than about 10 CIE ΔE units.

REMARKS

Status of the Application:

Claims 2-4, 9, 10, 13-15, 17 and 20-22 are pending in the present application.

Claims 2-4, 9, 10, 13-15, 17 and 20-22 are rejected under 35 U.S.C. 103(a).

Claim 20 is amended. The Applicants are grateful for the Examiner's reconsideration of the pending claims, as amended.

Rejection under 35 U.S.C. 103(a):

The Examiner rejects claims 2-4, 9, 10, 13-15, 17 and 20-22 as being unpatentable over U.S. Patent No. 5,447,794 ("Lin") in view of the recognized art of carpet fibers as set forth in sections 5 and 6 of paper number 9. Applicants respectfully disagree with the Examiner's position.

First of all, claim 20 is amended to clarify that amounts of sheath approaching 10% are not claimed. Thus, there is clearly no overlap between the disclosure of Lin and Applicants' claims.

The Examiner explains that the ordinarily skilled would be motivated to employ less than 10% sheath (i.e., outside the range of sheath taught by Lin) by raw material cost

saving since the sheath component is the expensive material of the fiber structure. The Examiner cites no demonstrative source for the alleged cost savings. Indeed, the invention as claimed does not limit the invention to those embodiments wherein the core material is less expensive than the sheath. An embodiment of the invention wherein the sheath is less expensive than the core is contemplated. Thus, the motivation relied on the Examiner is inapposite.

Applicants also respectfully disagree with the Examiner's assertion that Lin teaches a preference for the lower values of sheath. The Examiner relies on Lin's statement that the sheath should be 10-80 %, preferably 10-50 % of the fiber, as teaching a preference for lower sheath values. Applicants submit that this teaching does not even split Lin's broadest range by half. That is, Lin's preferred range also includes intermediate values in Lin's broadest range, e.g., 30-50%. Applicants propose that Lin itself provides no suggestion that the lower part of Lin's preferred range is more preferred than the upper part of Lin's preferred range. Further, the Examiner does not provide any solid motivation to that effect.

The Examiner states that no unexpected results are shown at the sheath range claimed by Applicants. Applicants submit that no showing of unexpected results is required because the Examiner has not made a *prima facie* case of obviousness against Applicants' claims which such unexpected results would rebut. Therefore, Applicants make no representation whether there are or are not unexpected results in this case.

CONCLUSION

In conclusion, Applicants submit that all pending claims 2-4, 9, 10, 13-15, 17, and 20-22 are allowable and respectfully asks the Examiner to take action indicative of that status.

Respectfully submitted,



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